

		]	
		]	<b>Case No: 23-CV-01156</b>
<b>Joseph Johnson</b>		]	
	<b>Plaintiff</b>	]	<b>Motion for Reconsideration please. 2<sup>nd</sup> request</b>
		]	
<b>V</b>		]	<b>I Request Judge Review all docs submitted.</b>
		]	
		]	<b>Request review: All Memos Endorsed</b>
		]	
<b>Starwood Hotels &amp; Resorts</b>		]	<b>Chiefly Doc 46 filed 11/27/23</b>
		]	
<b>Worldwide, LLC"</b>	<b>Defendant</b>	]	<b>Request original docs full review; please.</b>
		]	

To the Honorable Judge: ARUN SUBRAMANIAN.

I 1<sup>st</sup> want to know if Affidavit was properly received by The Southern District Court of New York.

I'll attach the Affirmation of Process Server: Juan De Los Santos: the doc I'll attach states file was submitted to the Federal Court dated March 18, 2024: I want to know for certain if these documents was received by the Court house: If the documents in the affidavit was properly sent I have to ask?

Why the Federal Judges allow: for the defendant to get victory decision.

The Defendant time **expired**: to make a defense.

HON. VALERIE FIGUEREDO UNITED STATES MAGISTRATE JUDGE

Granted the defense time to make a defense: to the point of Judgement in behalf of the Defendant?

Your Honor that is a disadvantage; for a Pro Se Plaintiff: against a seasoned Licensed Attorney.

I ask that document is revisited according to the letter of the Law in all fairness and sincerity.

Please revisit the document I submitted addressed to the Honorable Chief Judge: Laura Taylor

Swain. The Defendant used a **fictitious false address: knowingly breaking the Law.**

**Title 18 U.S.C. Code 1342** carries significant Criminal penalties: I ask for case Reversal based

on the defendant unlawful action; that's my argument: I should be granted this case; by law.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Joseph Johnson,

Plaintiff,

-against-

The Westin NY at Times Square/  
Marriott International,

Defendant.

Case No. 23-CV-01156

**AFFIRMATION OF  
PROCESS SERVER  
JUAN DE LOS SANTOS**

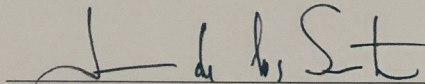
I, Juan de los Santos, declare under penalty of perjury that I am now and at all times herein mentioned a citizen of the United States and resident of the State of New York, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness herein. I further declare upon direct personal knowledge that the following is true and correct:

On March 16, 2024, I received the following documents in the above-captioned civil action:

- 1-Affidavit in Opposition: Motion
- 2-Felony Offenses: Summary of Criminal and Civil Violations.
- 3-Confidentiality File
- 4-Hate Crime-Penal Law 485.05
- 5-Request: Court Judges full review before Judgment
- 6-Motion: for Summary Judgment
- 7-Copy of the Order Issued by US District Court Judge Arun Subramanian dated Feb. 26, 2024
- 8-Affidavit of Joseph Johnson dated March 06, 2024 and
- 9-Affidavit of Joseph Johnson dated March 13, 2024

On March 18, 2024 at 03:41 p.m., I personally filed the said pleadings and court documents at the US District Court Southern District of New York at 500 Pearl Street, New York, NY 10007 (Exhibit 1).

I affirm this 20<sup>th</sup> day of March 2024, under the penalties of perjury, under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Juan de los Santos  
New York Process Server, Lic. No. 2067123  
54 Bristol Street, #7F,  
Brooklyn, New York 11212

**Juan de los Santos**  
New York Process Server # 2067123  
54 Bristol Street, Ste. 7F  
Brooklyn, NY 11212

Your Honor

I would have been in agreement with defendant to make an honest defense; had the defendant use honest name and address; the defendant broke the law & was granted a defense & a victory?

It was grieved to the Southern District Federal Court. It was a violation of Law.

When I Discovered the Defendant used a false service address: I immediately motion for DEFAULT; FINAL JUDGEMENT.

I believe I was told it was not the appropriate time: my argument is the defendant violated Law.

If it would have been reversed & I would be in a lot of trouble; just like if I violate workplace policy; If I make an illegal turn and is given summons; I can't violate a summons or ticket I have to respond to it lawfully & it is my right to do so or face consequence under the law.

CT Corporate was an illegal service address & the defendant committed a crime & the trial needs to be Reversed according to the letter of the law: they still broke the law.

I ask this document is closely reviewed accordingly; by the letter of the law.

As far as the litigations: I am a Pro Se; I am not an Attorney; but I presented an on-going unlawful condition amongst other unlawful conditions: the Federal Codes and penal laws was presented; the Defendant service is ILLEGAL; & the trial should be reversed accordingly.





## INCIDENT INFORMATION SLIP

Date: 6/30/22

Welcome to:

(Command) MTS (Address) 357 West 35 Street (Telephone #) 212 239 9811  
 We hope that your business with us was handled satisfactorily. Your particular matter has been assigned the following numbers:

COMPLAINT REPORT # 2022014007578 ACCIDENT REPORT # \_\_\_\_\_ AIDED REPORT # \_\_\_\_\_  
 Reported to: PO Peeters 478 Date of Occurrence: 7/10/17 Time: 1:200  
 (Rank) (Name) (Shield #)

Location of Occurrence: 270 West 43 Street  
 Crime: Har Harassment

Please keep this report should you have to refer to this matter in the future. If you need any further assistance, feel free to contact us at telephone #: (212) 239-9819 or (212) 239- 9847. Please, let us know if you have any suggestions on how we can better serve you. As you may already know, we will provide you with a crime prevention survey of your residence or business. Please, ask for more information on this and other crime prevention initiatives. Our goal is to make you and your property safe.

COURTESY - PROFESSIONALISM - RESPECT

REMEMBER: CALL "911" FOR EMERGENCIES ONLY!

To obtain a copy of an AIDED REPORT, submit Police Department form REQUEST FOR COPY OF AIDED RECORD (PD 304-161). The copy of an AIDED REPORT is free of charge.

To obtain a copy of a POLICE ACCIDENT REPORT, which is available at precincts of occurrence for thirty (30) days from date of report, submit REQUEST FOR COPY OF COLLISION RECORD (PD 301-165). The copy of a POLICE ACCIDENT REPORT is free of charge. Requests beyond thirty (30) days MUST be directed to: N.Y.S DEPT. OF MOTOR VEHICLES, PUBLIC SERVICES BUREAU, EMPIRE STATE PLAZA, ALBANY, NY 12226 UTILIZING New York State Department of Motor Vehicles form REQUEST FOR COPY OF ACCIDENT REPORT.

To obtain information on LOST PROPERTY or property that was LOST AS A RESULT OF A CRIME, submit Police Department form VERIFICATION OF CRIME / LOST PROPERTY (PD 542-061) accompanied with a \$15 search and service fee. Crime victims will be entitled to be a FREE COPY of this report.

NYPD

<https://nypdcrimestoppers.nypd.org>  
 1-800-577-TIPS

REWARD for information leading to the arrest of anyone who possesses an ILLEGAL HANDGUN call 1-866-GUN-STOP (486-7867)

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## CIVIL COUNTS: AGAINST THE WESTIN NY AT TSQ.

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Count 1. 15 US Code. 2087

**Whistleblower protections:** Violated.

Count 2. 22 US Code 2755

**Religious Discrimination.**

3 workers violated.

Count 3. USC Section 241.

Conspiracy Against Rights. Violated.

Count 4. 18 USC & 2331

**COERCION: unlawful excessive testing.**

Count 5. 41 CFR & 60-20.08

**Harassment & Hostile Work environment.**  
Violation. On Going HARASSMENT.

Count 6. USC Section 242. Deprivation  
of Rights Under the Color of the Law.

Count 7. USC Section 245. Federally  
Protected Activities.

Count 8. USC Section 1607.11

**Disparate Treatment:** of House  
Officers: protecting hostile H/O's.  
**Disparate Treatment Discrimination.**  
**By Human Resources DR & DOS.**

Count 9. NY Penal Law Section 240.30  
Aggravated Harassment.

Count 10. US Code Section &  
4101. **Defamation of Character**  
HR Corp Chris Elko conducted  
investigation: sources in staff  
**Alleged I was active shooter.**

Count 11. US Code & 1513.  
**RETALIATION.** DOS been  
Retaliating from 2015 to  
2022. On going harassing &  
**Most Recent incidents which**  
**led to NYPD Harassment**  
**report filed with NYPD.**  
**Against the The Hotel.**  
From separate claim made  
in 2015 to on going incidents  
leading into new claim.

Note: 06/30/22. NYPD  
Harassment report file against  
The Westin Ny at Times Sq.

COUNT.12. 18 US CODE §  
664. THEFT: FSD'S Backpay.

COUNT.13. NY PENAL LAW  
SECTION 155.35.  
GRAND LARCENY IN THE  
FOURTH DEGREE.

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## **LAWSUIT AGAINST HOTEL.**

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**14 TOTAL COUNTS; of Civil Violations.**

**US CODE & 1513. RETALIATORY actions from management.**

**ON GOING RETALIATORY actions and threats.**

**42 US CODE & 2000E-2- Unlawful Employment practices:**

**Solid work reputation: never offered Supervisor position.**

**Ignored by the DOS & upper management.**

**ON GOING HARASSMENT: BY MANAGEMENT**

**41 CFR & 60-20-08. HARASSMENT & HOSTILE WORK**

**ENVIRONMENT. ON GOING HARASSMENT. FROM**

**2015 to 2022. HR Confidentiality file proves: they kept**

**Harassing me, PERPETUALLY. Intentionally.**

**Exempt C19 Lockdown year: I was on part-time schedule; hotel was temporary closed; only some staffed worked that year due to pandemic.**

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**DAMAGES REQUESTED: 350,000,000.** Initial damages requested was

90,000,000: ignore pages that show initial request.

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Your Honor:

Again I am not an Attorney: the docs initially submitted was honest & it was not my 1<sup>st</sup> time litigating against that facility; conclusion says failure to state a claim: I presented violations of state & federal law; chiefly on going illegal conditions; a continued toxic workplace.

All I ask the Court review everything in accordance to the law.

The Defendant used a FRAUDULENT service address:

The Defendant should have not been allowed extended: time after there time expired:

Defense time expired: this case seriously needs to be reversed.

All I ask all documents is reviewed in accordance to the law.

I grieved hard to the court that was an error made: & the case should have went to the plaintiff.

According to the law. Whistleblower protections was violated & this was presented: I grieved conditions to Human Resources Director and presented old case document; HR threaten my job. My Whistleblower rights was violated: there is no way the defendant should have been granted a victory: I din't ignore affidavit of opposition; I responded; I don't know for certain if docs made it to the Court room; I paid for the service & I hoped the Court was going to grant the plaintiff based on evidence alone; I will re-attach court docs: Whistleblower rights was violated & was presented in original documents submitted to the Southern District Court.

Supreme Court  
of the  
State of New York



ALICE SCHLESINGER  
JUSTICE

NEW YORK COUNTY COURTHOUSE  
60 CENTRE STREET  
NEW YORK, NY 10007-1474

April 20, 2015

Mr. Joseph Johnson  
151 Country Club Lane  
Pomona, NY 10970

Marilyn Balcacer, Esq.  
Division of Human Rights  
One Fordham Plaza  
Bronx, NY 10458

The Westin NY at Times Square  
270 West 43<sup>rd</sup> Street  
New York, NY 10036

Keya C. Denner, Esq.  
Norris McLaughlin & Marcus, PA  
875 Third Avenue, 8<sup>th</sup> fl.  
New York, NY 10022

Re: Joseph Johnson v. Westin NY at Times Square  
Index No. 100342/15  
Motion Seq. No. 001

To All Concerned Parties:

The above-entitled matter has been scheduled by the Court for oral argument for Wednesday, August 5, 2015 at 2:15 p.m. in Part 16, 60 Centre Street, Room 222.

Mr. Johnson may serve reply papers and deliver them to Room 222 by May 29, 2015.

No adjournments will be granted without prior permission from the Court. All requests for adjournments must be made no later than one week prior to the return date.

Sincerely,

Rose Ann Magaldi  
Principal Law Clerk to  
Justice Alice Schlesinger

RAM:cc



COPY OF ORIGINAL  
WITH PROOF OF SERVICE

*To Be Argued By:*  
JOSEPH JOHNSON

New York County Clerk's Index No. 100342/15

# New York Supreme Court

APPELLATE DIVISION—FIRST DEPARTMENT

JOSEPH JOHNSON,

*Petitioner-Appellant,*

—against—

WESTIN NEW YORK AT TIMES SQUARE, DIVISION OF HUMAN RIGHTS,

*Respondents-Respondents.*

## BRIEF FOR PETITIONER-APPELLANT

JOSEPH JOHNSON  
151 Country Club Lane  
Pomona, New York 10970  
(201) 240-0134  
joel.669@gmail.com

*Petitioner-Appellant Pro Se*

**FILED**

JUL 10 2017  
SUP COURT, APP. DIV.  
FIRST DEPT.

REPRODUCED ON RECYCLED PAPER

HR Director was given the doc case number above & the Federal Court put me on trial regarding the initial trial: HR Director threatened to terminate my job with the text of a disgruntled UNION member: this is in the original court docs:  
That an out right violation of whistleblower protections: the case must be reconsidered and revisited: the bottomline is the defendant used a Fraudulent service address:

I ask the court chiefly revisit that condition:

That was an error made by the Court: I ask the conditions is revisited accordingly.

As to the affidavit Plaintiff references in the first paragraph of this motion, the Court does not see any docket entry in this case on March 18, 2024. Nor does the Court see the referenced affidavit anywhere else on the docket. Plaintiff may refile the materials if he so chooses.

The Court construes this motion as objecting to Judge Figueredo's order granting an extension of time for Defendant to respond to Plaintiff's complaint. The Court finds that there was no error in that order and overrules Plaintiff's objections. Defendant submitted a letter explaining that Plaintiff's service was rejected because CT Corporation is not Defendant's registered agent. Plaintiff has not submitted any evidence indicating that this was untrue. In any event, "[i]t is well established that default judgments are disfavored." *Pecarsky v. Galaxiworld.com Ltd.*, 249 F.3d 167, 174 (2d Cir. 2001). "A clear preference exists for cases to be adjudicated on the merits." *Id.*

The Clerk of Court is directed to terminate the motion at Dkt. 55.

SO ORDERED.



Arun Subramanian, U.S.D.J.  
Date: June 6, 2024